UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,425	02/28/2002	William McBride Fesq		3201

7590   06/01/2004

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EXAMINER
LY, ANH

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is response to Applicants communications filed on 02/28/2002.

2.   Claims 1-16 are pending in this application.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 6,640,230 issued to Alexander et al. (hereinafter Alexander) in view of US

Patent No. 5,948,040 issued to DeLorme et al. (hereinafter DeLorme).

With respect to claim 1, Alexander teaches an event data structure comprising

one or more user defined events, each event associated with a zip code (electronic

calendar event storing in a database organizing as a multi-level hierarchical data

structure of context events and each event is retrieved base don the geographical

location such as in the office or off-side of office...: col. 3, lines 25-30, col. 13, lines 25-

32 and lines 60-67; also see col. 18, lines 27-34, figs 5-7 and user-defined the type of

event: col. 20, lines 47-55); and

an event list generator to receive the zip list and query the event data structure to

retrieve events associated with zip codes contained in the zip list (event list is created

as context event: col. 8, lines 17-35 and context event is retrieved: col. 15, lines 50-67

and col. 16, lines 1-24; also see figs 5-6).

Alexander teaches creating an electronic calendar-driven over an Internet

network, calendar events organizing as a multi-level hierarchical data structure being

stored in a database table and the context of calendar event is retrieved via GUI from

which user of the system has to enter the query to search the event as shown in the figs

5A-5B and fig. 6), event type is specified as user defined event (col. 20, lines 47-55),

and geographically location of the event such as "in the office" or 'at alternate work

location' (col. 13, lines 25-32 and lines 60-67). Alexander does not explicitly teach a zip

list processor, operative to receive a zip code and a distance value, which are used to

calculate a zip list comprising all zip codes geographically located within the distance value from the zip code.

However, DeLorme teaches geographically locatable objects of the point of interest of the event or scheduled event of interest (col. 8, lines 1-15 and col. 9, lines 24-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Alexander with the teachings of DeLorme so as to have geographically locations such as latitude and longitude (col. 8, lines 23-32) of event for searching of an interest event. The motivation being to have a system having GUI for user to locate a calendar event over the Internet network via a database containing event information and displaying the result of search.

With respect to claims 2-3, Alexander teaches a system for searching events as discussed in claim 1.

Alexander teaches creating an electronic calendar-driven over an Internet network , calendar events organizing as a multi-level hierarchical data structure being stored in a database table and the context of calendar event is retrieved via GUI from which user of the system has to enter the query to search the event as shown in the figs 5A-5B and fig. 6), event type is specified as user defined event (col. 20, lines 47-55), and geographically location of the event such as "in the office" or 'at alternate work location' (col. 13, lines 25-32 and lines 60-67). Alexander does not explicitly teach wherein the zip list processor utilizes great circle mathematics to calculate all zip codes

geographically located with the distance value from the zip code, and a zip data

structure to store one or more zip codes and associated latitude and longitude values.

However, DeLorme teaches calculating the geographically locatable objects of

the point of interest of the event or scheduled event of interest (col. 8, lines 1-15 and

col. 9, lines 24-30) and longitude and latitude values (col. 48, lines 5-33 and col. 47,

lines 50-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of Alexander with the

teachings of DeLorme so as to calculating geographically locations such as latitude and

longitude (col. 8, lines 23-32) of event for searching of an interest event. The motivation

being to have a system having GUI for user to locate a calendar event over the Internet

network via a database containing event information and displaying the result of search.

With respect to claim 4, Alexander teaches a calendar generator to facilitate

creation of a calendars and a calendar data structure (event list or calendar is created

as context event: col. 8, lines 17-35 and its data is stored in a database having

organized as a multilevel hierarchical data structure: col. 3, lines 20-30 and col. 18, lines

27-34).

With respect to claim 5, Alexander teaches wherein the each of the one or more

user-defined events are associated with a calendar in the calendar data structure (event

types and user-defined event type: col. 11, lines 18-67 and col. 20, lines 47-55).

With respect to claim 6, Alexander teaches wherein the calendar generator is operative to format and present the calendar and associated user defined events on a display device (col. 10, lines 22-48, col. 11, lines 18-67 and col. 12, lines 1-67).

With respect to claims 2-3, Alexander teaches a system for searching events as discussed in claim 1.

Alexander teaches creating an electronic calendar-driven over an Internet network , calendar events organizing as a multi-level hierarchical data structure being stored in a database table and the context of calendar event is retrieved via GUI from which user of the system has to enter the query to search the event as shown in the figs 5A-5B and fig. 6), event type is specified as user defined event (col. 20, lines 47-55), and geographically location of the event such as "in the office" or 'at alternate work location' (col. 13, lines 25-32 and lines 60-67). Alexander does not explicitly teach wherein the one or more user-defined events are marked as public or private events, and wherein private events are excluded from the query performed by the event list generator..

However, DeLorme teaches private and public events in the personal appointment or scheduled events (col. 51, lines 5-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Alexander with the teachings of DeLorme so as to calculating geographically locations such as latitude and longitude (col. 8, lines 23-32) of event for searching of an interest event. The motivation

being to have a system having GUI for user to locate a calendar event over the Internet

network via a database containing event information and displaying the result of search.

Claim 9 is essentially the same as claim 1 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 1

hereinabove.

Claim 10 is essentially the same as claim 2 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 2

hereinabove.

Claim 11 is essentially the same as claim 3 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 3

hereinabove.

Claim 12 is essentially the same as claim 4 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 4

hereinabove.

Claim 13 is essentially the same as claim 5 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 5

hereinabove.

Claim 14 is essentially the same as claim 6 except that it is directed to a method

rather than a system, and is rejected for the same reason as applied to the claim 6

hereinabove.

Claim 15 is essentially the same as claim 7 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 16 is essentially the same as claim 8 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 8 hereinabove.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is 703 306-4527 or via E-Mail: ANH.LY@USPTO.GOV. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on 703 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-6606 or 703 305-3900.

JEAN M. CORRIELUS
PRIMARY EXAMINER

ANH LY
MAY 25th, 2004